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**JAN 28 2010**

NEIFELD IP LAW, PC  
4813-B EISENHOWER AVENUE  
ALEXANDRIA VA 22304

In re Application of :  
David W. Deaton :  
Application No. 08/935,116 : DECISION ON PETITION  
Filed: September 22, 1997 : TO WITHDRAW  
For: SYSTEM, METHOD, AND DATABASE : RESTRICTION REQUIREMENT  
FOR PROCESSING TRANSACTIONS : UNDER 37 CFR 1.181

This is in response to applicant's petition under 37 CFR 1.181 filed May 19, 2005 requesting that the restriction requirement be withdrawn and to have withdrawn claims 17-76 reinstated.

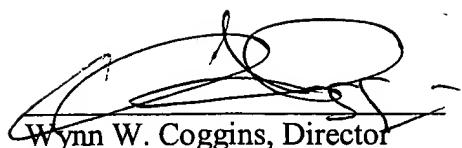
The petition is **DISMISSED AS MOOT**.

A review of the record reveals that following the decision by the Board of Patent Appeals and Interferences (BPAI) affirming in part the examiner's rejections, the examiner issued an Office action on May 13, 2005 requiring a provisional election between claims 8-16 and claims 17-76. Applicants elected claims 8-16 with traverse in a response filed May 18, 2005. The examiner adhered to the restriction requirement and made it final. Applicant timely filed a petition on May 19, 2005 to withdraw the restriction requirement and to reinstate claims 17-76. This petition of May 19, 2005 was followed by a second petition, filed April 28, 2006, similarly requesting that the restriction requirement be withdrawn and the currently withdrawn claims be reinstated.

In the petition decision mailed September 10, 2008, the petition of April 28, 2006 was granted. The restriction requirement was deemed improper and claims 17-76 were reinstated. Although the decision of September 10, 2008 did not specifically reference the petition of May 19, 2005, by reinstating the withdrawn claims at issue in both petitions, the petition decision of September 10, 2008 effectively provided the relief sought in the petition of May 18, 2005.

In view of the above, applicant's petition of May 19, 2005 is moot and is hereby dismissed.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Robert Weinhardt at (571) 272-6633.



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rw/lm: 1/22/10

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